

Defendant,

Civil Action No.

**VERIFIED COMPLAINT AND DEMAND FOR JURY TRIAL**

## INTRODUCTION

## JURISDICTION

PARTIES

3. Plaintiff, Kevin Hobson is a natural person residing in Philadelphia, Pennsylvania.

4. Defendant, Afni, Inc. is a corporation engaged in the business of collecting debt in this state with its principal place of business located at 404 Brock Drive, Bloomington, IL, 61702-3097. The principal purpose of Defendant is the collection of debts in this state and Defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

#### FACTUAL ALLEGATIONS

6. Upon information and belief, Defendant began placing collection calls to Plaintiff in 2009.

7. Defendant placed collection calls to Plaintiff, seeking and demanding payment for an alleged consumer debt owed under an account number.

8. Upon information and belief, during a collection call, Defendant made an offensive and verbally abusive statement to Plaintiff, stating, “Look we’re talking about saving your credit here. Your credit is on the line, not mine buddy.”

9. Upon information and belief, during a collection call, upon hearing Plaintiff’s voice and assuming he is a racial minority, which he is, Defendant made an offensive and verbally abusive statement to Plaintiff in regards to Plaintiff’s alleged debt problems being a result of his race and being a resident of the specific Philadelphia neighborhood that he lives in.

10. During collection calls, Defendant has utilized unfair and unconscionable means to try to collect a payment amount on Plaintiff’s alleged debt, by making offensive and verbally abusive statements to Plaintiff.

11. As a result of the acts alleged above, Plaintiff suffered emotional distress resulting in him feeling stressed.

CLAIM FOR RELIEF

12. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

13. Defendants violated the FDCPA. Defendants' violations include, but are not limited to, the following:

(a) Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt; and

(b) Defendant violated §1692d(2) of the FDCPA by using language the natural consequence of which was to abuse the hearer or reader.

14. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

15. As a result of the foregoing violations of the FDCPA, Defendant is liable to the plaintiff Kevin Hobson for declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, and costs and attorney fees.

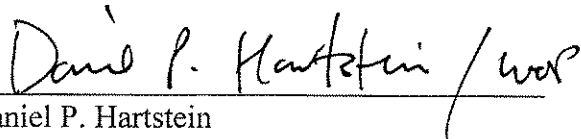
WHEREFORE, Plaintiff respectfully requests that judgment be entered against defendant Afni, Inc. for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA.
- B. Actual damages.
- C. Statutory damages pursuant to 15 U.S.C. § 1692k.
- D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k.
- E. For such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff KEVIN HOBSON demands trial by jury in this action.

This 11<sup>th</sup> day of May, 2011.

  
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